

MAR 26 1993
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BEFORE THE ARIZONA STATE BOARD
OF OSTEOPATHIC EXAMINERS IN MEDICINE AND SURGERY

In the Matter of :)	No. 93-003
J. Allen Leavitt, D.O.)	CONSENT TO ENTRY OF
Holder of License No. 0356)	ORDER AND FINDINGS OF
for the Practice of Osteopathic)	FACT, AND CONCLUSIONS
Medicine and Surgery in the)	OF LAW
State of Arizona)	

A complaint charging J. Allen Leavitt, D.O., Holder of License No. 0356 for the practice of Osteopathic Medicine and Surgery in the State of Arizona with unprofessional conduct as provided in A.R.S. §32-1854 having been received by the Arizona Board of Osteopathic Examiners in Medicine and Surgery ("Board"); and J. Allen Leavitt, D.O., having expressed a desire to execute a Consent to Entry of Order ("Order") in lieu of participating in a public hearing concerning the allegations contained in the complaint;

THEREFORE,

(1) J. Allen Leavitt, D.O. admits that the Findings of Fact and Conclusions of Law set forth are true and accurate.

(2) J. Allen Leavitt, D.O. admits that the conduct described in this Order is unprofessional conduct as provided by A.R.S. §32-1854.

(3) J. Allen Leavitt, D.O. stipulates that his admission of unprofessional conduct in this matter is made solely for the purpose of this order, and shall not pertain to any other action at law which may be brought regarding the care and treatment he rendered to

1 patient C.H.

2 (4) J. Allen Leavitt, D.O. acknowledges that the record
3 prepared in this matter, all investigative material prepared and
4 received by the Board concerning the allegations, and all related
5 exhibits and materials may be retained in the Board's file
6 pertaining to this matter.

7 (5) J. Allen Leavitt, D.O. understands that pursuant to
8 A.R.S.§32-1855, he has the right to a public hearing concerning each
9 allegation set forth in the above captioned matter at which J. Allen
10 Leavitt, D.O. could present evidence and cross-examine witnesses.
11 J. Allen Leavitt, D.O. waives his right to such hearing.

12 (6) J. Allen Leavitt, D.O. waives any right to rehearing or
13 review or to judicial review of the Findings of Fact Conclusions of
14 Law or Order.

15 (7) J. Allen Leavitt, D.O. acknowledges that based upon the
16 Findings of Fact and Conclusions of Law, coupled with his admission
17 thereto, and pursuant to A.R.S.§32-1855, the Board is authorized to
18 take formal disciplinary action against his license to practice
19 osteopathic medicine and surgery.

20 (8) J. Allen Leavitt, D.O. understands that he has the right to
21 consult with an attorney prior to signing this Consent to Entry of
22 Order.

23 (9) J. Allen Leavitt, D.O. acknowledges that the Findings of
24 Fact, Conclusions of Law and Order contained herein are conclusive
25 evidence of unprofessional conduct which may not be disputed, denied
26 or relitigated in any future proceeding and may be used for purposes
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1 of determining sanctions in any future disciplinary matter.

2 (10) J. Allen Leavitt, D.O. acknowledges that any violation of
3 this Order by him constitutes grounds for further disciplinary
4 action for unprofessional conduct pursuant to A.R.S. §32-1854(26).

5 (11) J. Allen Leavitt, D.O. acknowledges that this Order is
6 effective beginning on the 22nd day of March, 1993.

7 DATED this 22nd day of March, 1993.
8

9 This matter having come for informal interview before the
10 Board of Osteopathic Examiners in Medicine and Surgery ("Board") on
11 November 13, 1992 and January 22, 1993; and J. Allen Leavitt, D.O.
12 having reviewed testimony presented during said informal interview,
13 as well as all evidence received by the Board in its investigation
14 in connection with this matter; and good cause appearing.

15 The Board hereby makes the following Findings of Fact,
16 Conclusions of Law and Order;

17 FINDINGS OF FACT

18 I

19 J. Allen Leavitt, D.O. is the holder of License No. 0356
20 for the practice of osteopathic medicine and surgery in the State of
21 Arizona.

22 II

23 The Board of Osteopathic Examiners in Medicine and Surgery
24 in the State of Arizona is the duly constituted authority for the
25 licensure and regulation of osteopathic physicians in the State of
26 Arizona.

1 III

2 On or about May 13, 1991, J. Allen Leavitt, D.O. commenced
3 care and treatment of patient C.H., a 37-year old female, who was at
4 that time pregnant. J. Allen Leavitt, D.O. provided prenatal
5 medical services to patient C.H., and continued to do so until
6 September 30, 1991.

7 IV

8 On May 23, 1991, J. Allen Leavitt, D.O. prescribed the
9 drug Depo Provera to patient C.H. for treatment of a threatened
10 miscarriage. Such treatment was not in accordance with accepted
11 community standard.

12 V

13 During the period of May 13 through September 30, 1991, J.
14 Allen Leavitt, D.O. determined that patient C.H. was blood type Rh
15 negative but did not perform any subsequent Rh antibody testing on
16 the patient or the fetus.

17 VI

18 Based on information and evidence obtained during the
19 investigation of this matter, and reviewed by the Board, the Board
20 has determined that it has found no causal relationship between the
21 care and treatment rendered by J. Allen Leavitt, D.O., to patient
22 C.H., and the death of the fetus delivered by patient C.H. on
23 September 30, 1991.

24 CONCLUSIONS OF LAW

25 VII

26 The conduct described in paragraphs IV through V herein
27
28

1 constitutes unprofessional conduct as defined in A.R.S. § 32-
2 1854(21): Failing or refusing to maintain adequate records on a
3 patient.

4 VIII

5 The conduct described in paragraphs IV through V herein
6 constitutes unprofessional conduct as defined in A.R.S. § 32-
7 1854(19): Any conduct or practice contrary to recognized standards
8 of ethics of the osteopathic medical profession or conduct or
9 practice which does or might constitute a danger to the health,
10 welfare or safety of the patient or the public or any conduct,
11 practice or condition which does or might impair the ability safely
12 and skillfully to practice medicine.

13 ORDER

14 IT IS HEREBY ORDERED, pursuant to A.R.S. § 32-1855 (E)(4),
15 that:

16 1. J. Allen Leavitt, D.O. be placed on probation for a period of
17 not less than two years and that he complete a minimum of 40 hours
18 of continuing medical education in the treatment and management of
19 high-risk obstetrical patients prior to the termination of the
20 aforementioned period of probation.

21 2. J. Allen Leavitt, D.O., meet with the Board, at their request,
22 to review his compliance with the terms of this order.

23 3. J. Allen Leavitt, D.O., make available on request of the Board,
24 patient medical records for review by the Board. The selection of
25 records for review will be solely at the discretion of the Board.

26 DATED and EFFECTIVE this 22nd day of March, 1993.

ARIZONA BOARD OF OSTEOPATHIC
EXAMINERS IN MEDICINE AND SURGERY

[S E A L]

By William C. Inboden, D.O.
President

By Robert J. Miller
Executive Director

By J. Allen Leavitt D.O.
J. Allen Leavitt, D.O.

SUBSCRIBED AND SWORN to before me this 22 day of March, 1993,
by J. Allen Leavitt, D.O.

Karla B. Cozma
Notary Public

My Commission Expires:

My Commission Expires Sept. 14, 1994